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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,405	07/30/2003	Alexander E. Kalish	3	9001

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Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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10/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,405

Applicant(s)

KALISH, ALEXANDER E.

Examiner

Brenda Pham

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-19 is/are rejected.
- 7) ☐ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-19 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2-5, 7-9, 13, 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al (US 6,496,499 B1).

Regarding claims 1, 17, 18, 19, Hamilton discloses a communication system, an apparatus and method for use in a wireless network comprising at least one user device adapted for communication with at least one access point device, the communication system comprising:

a wireless network including at least one user device adaptable for communication with at least one access point device (AP1...Apn), wherein at least a given one of the user device (Mobile Device) and the access point device comprises a plurality of radios (see Figure 5);

one of the plurality of radios of the given device being designable as a master radio (access point) and one or more of the remaining radios of the given device being designable as slave radios (Mobile device);

wherein the given device is configurable such that in a particular mode of operation the master radio only transmits data and the one or more slave radios only receive data or the master radio only receives data and the one or more slave radios only transmit data (**"When the mobile device 312, 314, 316 and 520 has been placed on the device list of the access point 302, the mobile device 312, 314, 316 and 520 will wait for its time to transmit data to the access point 302 according to the time-ordered list 530. After the mobile device 312, 314, 316 and 520 finishes transmitting to the access point 301, the access point 302 transmits an ACK packet to the mobile device 312, 314, 316 and 520 that the data has been received by the access point 302", col. 7, line 30-40, Figure 7).** In another word, in one operation, the mobile device 312, 314, 315 and 520 can "listen" to all transmission and only transmit data during time period placed on the transmission time-ordered list 530. The access point 302 transmits an ACK packet to the mobiles the data has been received by the access point 302.)

Note: Examiner does not give patentable weight for "adapted for" clause, "operable" clause, "configurable" clause because such claimed language that suggests or makes operational but does not required steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (see claim 1, 28, 14, 17-19).

Regarding claim 2, Hamilton further teaches wherein the plurality of radios are configured in parallel to one another (see Figure 5).

Regarding claim 3 wherein the plurality of radios are controlled by a common controller (see Master Controller 510).

Regarding claim 4, wherein the given device comprises the user device (Mobile Device).

Regarding claim 5, wherein the give device comprises the access point device (AP0...APn).

Regarding claim 7, wherein each of the plurality of radios of the given device is compatible with at least one of the 80.11 a standard, the 802.11b standard and the 802.11g standard (**"In one embodiment, the transmission between the mobile device 103 and the access points 102 is controlled according to a standard transmission and hand-off protocol (e.g., the IEEE 802.11 standard, col. 5, line 5-10).**

Regarding claims 8-9, wherein the given device is operable in at least one additional mode of operation in which data to be transmitted is separated into portions, with certain portions being transmitted by the master radio and other portions being

transmitted by the slave radios. Hamilton teaches that access point sent to mobile device a portion of data packet shows in figure 4. Whenever the mobile devices 312, 314, 316 and 520 are not transmitting to the access point 302, each mobile devices "listens" to the packet that are transmitted from the access point 302. When the mobile devices receive the data sequence 400, the mobile device address portion 404 is compared to their specific mobile device address. If the mobile device address of the data sequence 400 and the mobile device address of a mobile device match, that specific mobile device carries out the command in the data sequence 400." (Col. 8-Col. 9, line 5).

Regarding claim 13, wherein the multiple radios of the given device are assigned network names in accordance with a convention which indicate the master or slave designation of each of the radios (**"each mobile device 312, 314, 316 and 520 is given a unique address or mobile device address. The unique mobile device address is included in the standard transmission protocol of the wireless network 100."** (Col. 7, line 45-50).

Regarding claim 16 Hamilton further teaches wherein the given device comprises a user device which in the particular mode of operation communicates in a half-duplex manner with an access point (see figure 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al (US 6,496,499 B1) in view of Sanders (US 6,567,653 B1).

Regarding claims 14 and 16, as explained in the rejection station of claim 1 (parent claim), Hamilton discloses all the claimed limitations recite in parent claim. Hamilton does not teach wherein the given device comprises a user device and is operable in at least one additional mode of operation in which each of the plurality of radios is operative to establish a separate and independent connection with one or more access points, wherein the given device comprises a user device which in the particular mode of operation communicates in a full-duplex manner and/or half-duplex manner.

Sanders, in the same field of endeavor, teaches a dual-mode communications system (see figure 1) wherein a mobile operate in full-duplex manner mode and half duplex mode.

Sanders teaches **“Power amplifier mode control and an associated switching arrangement permit a wireless communication device, such as a mobile terminal, to advantageously use the same transmitter power amplifier in both digital and analog operating modes. Analog mode requires the mobile**

terminal to operate its receiver and transmitter in full-duplex mode, thus requiring a duplexer for separating the receive signal from the transmit signal. Digital mode requires the mobile terminal to operate its receiver and transmitter in half-duplex mode, eliminating the need for the duplexer.” Abstract.)

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a user device that can operate in both full duplex mode during analog mode operation and half duplex when operate digital mode operation.

Allowable Subject Matter

6. Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggests in combination wherein the portions are transmitted utilizing a predetermined sequence of the plurality of radios beginning with the master radio.

The prior art made of record fails to teach or fairly suggests in combination wherein the predetermined sequence comprises a round-robin sequence which cycles through the plurality of radios.

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The prior art further fails to teach or fairly suggests in combination wherein after transmission of a final portion of a given piece of data the predetermined sequence is reset such that a first portion of a next piece of data is transmitted by the master radio.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

October 17, 2007

Brenda Pham

A handwritten signature in cursive script that reads "Brenda A. Pham".

BRENDA PHAM
PRIMARY EXAMINER